

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Patent of:

BALDWIN et al.

Patent No.: 6,976,349 B2

Issued: December 20, 2005

Confirmation No.: 7769

Atty. File No.: 50012-00027

For: "METHOD FOR FILLING AND
CAPPING SYRINGES" (AS AMENDED)

REQUEST FOR CORRECTED
PATENT FOR PTO MISTAKE
(37 C.F.R. § 1.322(a))

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>2-3-06</u></p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>Dale W. P.</u></p>

Attn: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

This is a request for a Corrected Patent for PTO mistake under 37 C.F.R. § 1.322. The errors in the patent are obvious typographical errors or omissions and the correct wording can be found in one or more of: (a) the Response and Amendment of November 8, 2004 ("the 11/8/04 Amendment"); (b) the Request for Correction of Inventorship of April 1, 2005; (c) the Request for Amendment of April 1, 2005, entered June 22, 2005 ("the 4/1/05 Amendment"); and (d) the Index of Claims of September 21, 2005 (*date retrieved via PAIR*).

Specifically, the 4/1/05 Amendment deleted filed Claim 14. Correspondingly, the Request for Correction of Inventorship of April 1, 2005, requested deletion of Jon Paul Page as an inventor. Neither filed Claim 14 nor the inventor Jon Paul Page were deleted from the issued patent. Correspondingly, filed Claim 14 was incorrectly included in the issued patent as Claim 16. In turn, many incorrectly numbered claims are included in the issued patent. Moreover, several dependent claims were incorrectly moved to other independent claim sets and various other claims were incorrectly added and/or deleted. Applicant believes that the Examiner's Index of Claims of

September 21, 2005, correctly lists the appropriate claim structure for the patent. For convenience, below please find a table summarizing the claim amendments necessary to correct the patent.

Issued Claim	Necessary Claim Amendments
Claim 16	Should be deleted as evidenced by the 4/1/05 Amendment. Issued Claim 16 corresponds to filed Claim 14 as evidenced by the 8/12/04 Amendment.
Claim 17	Should be renumbered to Claim 16 per the 4/1/05 Amendment.
Claim 18	Should be renumbered to Claim 17 per the 4/1/05 Amendment.
Claim 19	Should be renumbered to Claim 18 per the 4/1/05 Amendment.
Claim 20	Should be renumbered to Claim 19 per the 4/1/05 Amendment.
Claim 21	Should be renumbered to Claim 20. This claim should also be amended to recite "... the <i>cap</i> removed ..." and <u>not</u> "... the <i>caps</i> removed ..." as evidenced by the claim amendment to filed claim 33 of the 11/8/04 Amendment.
Claim 22	Should be renumbered to Claim 32 and should depend from Claim 31 per Index of Claims and the 4/1/05 Amendment.
Claim 23	Should be renumbered to Claim 33 and should depend from Claim 32 per Index of Claims and the 4/1/05 Amendment.
Claim 24	Should be renumbered to Claim 34 and should depend from Claim 32 per Index of Claims and the 4/1/05 Amendment.
Claim 25	Should be renumbered to Claim 21.
Claim 26	Should be renumbered to Claim 22 and should depend from Claim 21 per Index of Claims and the 4/1/05 Amendment.
Claim 27	Should be renumbered to Claim 23 and should depend from Claim 22 per Index of Claims and the 4/1/05 Amendment.
Claim 28	Should be renumbered to Claim 24 and should depend from Claim 22 per Index of Claims and the 4/1/05 Amendment.
Claim 29	Should be renumbered to Claim 25 and should depend from Claim 24 per Index of Claims and the 4/1/05 Amendment.
Claim 30	Should be renumbered to Claim 26 and should read: "A method as recited in Claim 25, further comprising: interconnecting a flexible belt to said plurality of syringe bodies in a predetermined orientation prior to said packaging step." See Index of Claims and the 4/1/05 Amendment.
Claim 31	Should be renumbered to Claim 27 and should depend from Claim 26 per Index of Claims and the Amendment.
Claim 32	Should be renumbered to Claim 28 and should read:

Issued Claim	Necessary Claim Amendments
	<p>"A method as recited in Claim 26, further comprising: severing said flexible belt between each of said plurality of syringe bodies after said unpackaging step." <i>See</i> Index of Claims and the 4/1/05 Amendment.</p>
Claim 33	Should be renumbered to Claim 29 and should depend from Claim 28 per Index of Claims and the 4/1/05 Amendment.
Claim 34	<p>Should be renumbered to Claim 30 and should depend from Claim 21 per Index of Claims and the Amendment. This claim should also be amended to recite:</p> <p style="padding-left: 40px;">"... the <i>cap</i> removed . . ."</p> <p><u>not</u></p> <p style="padding-left: 40px;">"... the <i>cap removed</i> . . ."</p> <p><i>See</i> Index of Claims and the 4/1/05 Amendment.</p>
Claim 35	Should be renumbered to Claim 31 per Index of Claims and the 4/1/05 Amendment.
Claim 36	Should be renumbered to Claim 35 and should depend from Claim 31 per Index of Claims and the 4/1/05 Amendment.
Claim 37	Should be renumbered to Claim 36 and should depend from Claim 31 per Index of Claims and the 4/1/05 Amendment.
Claim 38	Should be renumbered to Claim 37 and should depend from Claim 31 per Index of Claims and the 4/1/05 Amendment.
Claim 39	Should be renumbered to Claim 38 and should depend from Claim 37 per Index of Claims and the 4/1/05 Amendment.
Claim 40	Should be renumbered to Claim 39 and should depend from Claim 31 per Index of Claims and the 4/1/05 Amendment.
Incorrectly Deleted Claim	<p>Originally pending claim 54, was incorrectly deleted and should be added as Claim 40 and should read:</p> <p>"A method as recited in Claim 31, wherein for each syringe body the method further comprises:</p> <p style="padding-left: 40px;">holding the cap removed from the syringe body until replaced on one of the plurality of syringe bodies."</p> <p><i>See</i> Index of Claims and the 4/1/05 Amendment.</p>

Attached is form PTO 1050 in duplicate along with copies of the above-noted documentation that unequivocally supports patentee's assertions. In view of the foregoing, Applicant requests correction of the patent wherein the claims are corrected, as provided above, and Jon Paul Page is deleted an inventor.

Moreover, due to the number of claims that will require correction, Applicant submits that the nature of the mistake on the part of the Office is such that a certificate of correction would be inappropriate and therefore a corrected patent in lieu of a certificate of correction should be issued. *See* 35 U.S.C. § 254 and 37 C.F.R. § 1.322(b). Furthermore, as the accompanying documentation unequivocally supports patentee's assertions that the above errors are solely attributable to the Office, expedited processing and granting of the corrected patent is requested. *See* MPEP § 1480.01.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

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Date: February 23 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,976,349 B2
DATED : December 20, 2005
INVENTOR(S): BALDWIN et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Title Page

Section (75), delete "Jon Paul Page, Broomfield, CO (US)".

Column 19

Claim 16, lines 5-12, delete Claim 16 in its entirety;
Claim 17, line 13, delete "17" and insert therefor --16--;
Claim 18, line 17, delete "18" and insert therefor --17--;
Claim 19, line 24, delete "19" and insert therefor --18--;
Claim 20, line 27, delete "20" and insert therefor --19--;
Claim 20, line 28, delete "caps" and insert therefor --cap--;
Claim 21, line 30, delete "21" and insert therefor --20--;
Claim 22, line 34, delete "22" and insert therefor --32--;
Claim 22, line 34, delete "21" and insert therefor --31--;
Claim 23, line 37, delete "23" and insert therefor --33--;
Claim 23, line 37, delete "22" and insert therefor --32--;
Claim 24, line 40, delete "24" and insert therefor --34--;
Claim 24, line 40, delete "22" and insert therefor --32--;
Claim 25, line 43, delete "25" and insert therefor --21--;
Claim 26, line 57, delete "26" and insert therefor --22--;
Claim 26, line 57, delete "25" and insert therefor --21--;
Claim 27, line 61, delete "27" and insert therefor --23--;
Claim 27, line 61, delete "26" and insert therefor --22--;
Claim 28, line 64, delete "28" and insert therefor --24--; and
Claim 28, line 64, delete "26" and insert therefor --22--.

MAILING ADDRESS OF SENDER:

Thomas R. Marsh, Esq.
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PATENT NO. 6,976,349 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,976,349 B2
DATED : December 20, 2005
INVENTOR(S): BALDWIN et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Column 20

Claim 29, line 3, delete "29" and insert therefor --25--;
Claim 29, line 3, delete "28" and insert therefor --24--;
Claim 30, line 10, delete "30" and insert therefor --26--;
Claim 30, line 10, delete "21" and insert therefor --25--;
Claim 30, lines 10-12, delete "wherein for each syringe body the cap removed in the removing step is the same as the cap replaced in said replacing step" and insert therefor --further comprising:
interconnecting a flexible belt to said plurality of syringe bodies in a predetermined orientation prior to said packaging step--;
Claim 31, line 13, delete "31" and insert therefor --27--;
Claim 31, line 13, delete "30" and insert therefor --26--;
Claim 32, line 17, delete "32" and insert therefor --28--;
Claim 32, line 17, delete "31" and insert therefor --26--;
Claim 32, lines 17-19, delete "wherein for each syring body the method further comprises: sterilizing the syringe body at said first location" and insert therefor --further comprising:
severing said flexible belt between each of said plurality of syring bodies after said unpackaging step--;
Claim 33, line 20, delete "33" and insert therefor --29--;
Claim 33, line 20, delete "32" and insert therefor --28--;
Claim 34, line 23, delete "34" and insert therefor --30--;
Claim 34, line 23, delete "25" and insert therefor --21--;
Claim 34, line 24, delete "capremoved" and insert therefor -- cap removed --;

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PATENT NO. 6,976,349 B2

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CERTIFICATE OF CORRECTION

PATENT NO. : 6,976,349 B2
DATED : December 20, 2005
INVENTOR(S): BALDWIN et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Column 20 (cont.)

Claim 35, line 25, delete "35" and insert therefor --31--;
Claim 36, line 44, delete "36" and insert therefor --35--;
Claim 36, line 44, delete "35" and insert therefor --31--;
Claim 37, line 48, delete "37" and insert therefor --36--;
Claim 37, line 48, delete "35" and insert therefor --31--;
Claim 38, line 51, delete "38" and insert therefor --37--;
Claim 38, line 51, delete "35" and insert therefor --31--;
Claim 39, line 59, delete "39" and insert therefor --38--;
Claim 39, line 59, delete "38" and insert therefor --37--;
Claim 40, line 62, delete "40" and insert therefor --39--;
Claim 40, line 62, delete "38" and insert therefor --37--; and

Add the following claim:

--40. A method as recited in Claim 31, wherein for each syringe body the method further comprises:
holding the cap removed from the syringe body until replaced on one of the plurality of syringe
bodies.--

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PATENT NO. 6,976,349 B2



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Baldwin et al.

Serial No.: 10/630,059

Filed: July 30, 2003

Atty. File No.: 50012-00027

Confirmation No.: 7769

For: "METHOD, SYSTEM AND
APPARATUS FOR LABELING, FILLING,
AND CAPPING SYRINGES"

) Group Art Unit: 3721

)

) Examiner: Brian D. Nash

)

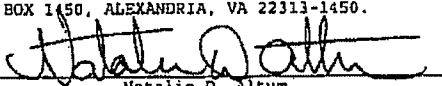
) RESUBMISSION OF AMENDMENT

) AND RESPONSE FILED NOVEMBER 8,

)

2004

)

<p>CERTIFICATE OF EXPRESS MAIL EXPRESS MAIL LABEL NO.: EV 338033749 US DEPOSIT DATE: 01/19/05</p> <p>I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 39 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.</p> <p>BY:  Natalie D. Altum</p>

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On November 8, 2004, Applicant filed an Amendment and Response responsive to an Office Action mailed July 8, 2004, with respect to the above-referenced application. Such Amendment and Response was filed via facsimile utilizing the facsimile number specified in the Office Action mailed July 8, 2004 and posted at the United States Patent and Trademark Office website (i.e. 703-872-9306). A copy of the Amendment and Response filed via facsimile on November 8, 2004 is resubmitted herewith, together with a "Message Confirmation" confirming receipt of the Amendment and Response by the United States Patent and Trademark Office on November 8, 2004, at the facsimile number noted-above.

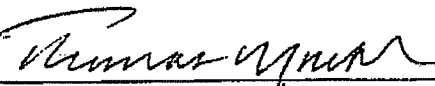
Based upon a telephone inquiry with the Examiner of the above-referenced application, i.e. Examiner Brian D. Nash of Group 3721, and a return telephone message received from Examiner Nash on January 17, 2005, it appears that the United States Patent and Trademark Office has no

record of having received the referenced Amendment and Response on November 8, 2004. Accordingly, and in accordance with the recommendation of Examiner Nash, Applicant is submitting this Resubmission of Amendment and Response and requests immediate entry and action upon the Amendment and Response.

Applicant submits that no further fees should be due for entry of the attached Amendment and Response. However, to the extent that any additional fee is due for entry of the Amendment and Response, please charge any fees deemed necessary for entry to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

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Telephone: (303) 338-0997
Facsimile: (303) 338-1514

Date: 1/19/05

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Baldwin et al.

Serial No.: 10/630,059

Filed: July 30, 2003

Atty. File No.: 50012-00027

Confirmation No.: 7769

For: "METHOD, SYSTEM AND
APPARATUS FOR LABELING, FILLING,
AND CAPPING SYRINGES"

) Group Art Unit: 3721

) Examiner: Brian D. Nash

) AMENDMENT AND RESPONSE

<p>CERTIFICATE OF FACSIMILE TRANSMISSION</p> <p>I hereby certify that this paper is being transmitted via facsimile to the U.S. Patent and Trademark Office on <u>11/8/04</u>.</p> <p>MARSH FISCHMANN & BREYFOGLE</p> <p>By: <u>Natalie Altum</u> Natalie Altum</p>

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this Amendment and Response to address the Office Action having a mailing date of July 8, 2004. Based on the amendments and remarks presented below, reconsideration and allowance of the case are requested.

Enclosed herewith is a petition for a one-month extension of time, thereby extending the time period for response from October 8, 2004 to November 8, 2004. Please credit any overpayment or charge any underpayment necessary for entry of this amendment and response to Deposit Account No. 50-1419.

Please amend the above-identified patent application as follows:

IN THE CLAIMS:

1. (Currently Amended) A method for filling of a plurality of syringe bodies, wherein for each syringe body of the plurality of syringe bodies the method comprises:

holding the syringe body in at least one holder;
removing a cap from a dispensing end of the syringe body during said holding step;
filling the syringe body at the dispensing end thereof after said removing step and during said holding step; and,

replacing ~~one of the a~~ caps removed ~~from during the removing step~~ for one of said plurality of syringe bodies on the dispensing end of the syringe body after said filling step and during said holding step.

2. (Original) A method as recited in Claim 1, wherein for each syringe body the method further comprises:

placing said cap on said dispensing end of the syringe body prior to said holding step.

3. (Original) A method as recited in Claim 2, wherein for each syringe body the method further comprises:

sterilizing the syringe body after said placing step and prior to said holding step.

4. (Original) A method as recited in Claim 3, wherein said placing and sterilizing steps are completed at a first location and said holding, removing, filling and replacing steps are completed at a second location remote from said first location.

5. (Previously Presented) A method as recited in Claim 4, wherein for each syringe body the method further comprises:

packaging said syringe body in a container at said first location after said placing step and prior to said holding step; and,

unpackaging said syringe body from said container at said second location prior to said holding step.

6. (Original) A method as recited in Claim 5, wherein for each syringe body the method further comprises:

sterilizing the syringe body after said packaging step and prior to said unpackaging step.

7. (Previously Presented) A method as recited in Claim 5, further comprising:

interconnecting a flexible belt to said plurality of syringe bodies in a predetermined orientation prior to said packaging step.

8. (Original) A method as recited in Claim 7, wherein the holding, removing, filling and replacing steps are successively repeated in an automated manner for each of said plurality of syringe bodies.

9. (Previously Presented) A method as recited in Claim 1, wherein for each syringe body the removing step includes:

retainably engaging said cap in a retainer; and,

moving at least one of said retainer and said at least one holder in an automated manner to affect relative movement between the cap and the dispensing end of the syringe body; and,

wherein for each syringe body the replacing step comprises:

retainably engaging said one of said caps in a retainer; and

moving said holder along a predetermined path to insert said one of said caps into the syringe body.

10. (Previously Presented) A method as recited in Claim 9, wherein for each syringe body the cap removed in said removing step is the same as the cap replaced in said replacing step.

11. (Original) A method as recited in Claim 9, wherein for each syringe body the filling step comprises:

interconnecting a fluid supply member with the dispensing end of the syringe body in an automated manner; and,

flowing fluid into the syringe body through the interconnected fluid supply member and dispensing end of the syringe body.

12. (Currently Amended) A method as recited in Claim 11, wherein for each syringe body; said removing, filling and replacing steps are completed at a first location of the syringe body.

13. (Currently Amended) A method as recited in Claim 12, wherein for each syringe body; said retainer and said fluid supply member are interconnected for tandem movement during said removing, filling and replacing steps.

14. (Original) A method as recited in Claim 11, wherein for each syringe body the method further comprises:

first locating the syringe body at a first location for completion of said removing step;

second locating the syringe body at a second location for completion of said filling step; and, returning the syringe body to said first location for completion of said replacing step.

15. (Original) A method as recited in Claim 11, wherein for each syringe body the method further comprises:

sensing the position of a plunger end thereof to terminate said filling step.

16. (Original) A method as recited in Claim 11, wherein said flowing step comprises at least one of the following:

injecting said fluid into the syringe body under pressure; and,

drawing said fluid into said syringe body by retraction of a plunger comprising the syringe body.

17. (Original) A method as recited in Claim 1, wherein for each syringe body the removing filling and replacing steps are completed in an automated manner.

18.-30. (Canceled)

31. (Previously Presented) A method as recited in Claim 7, further comprising: severing said flexible belt between each of said plurality of syringe bodies after said unpackaging step.

32. (Previously Presented) A method as recited in Claim 31, wherein for each syringe body said severing step is completed after said removing, filling and replacing steps.

33. (Currently Amended) A method as recited in Claim 1, wherein ~~said one of~~ for each syringe body the caps removed in the replacing ~~removing~~ step is the same as ~~said~~ the cap replaced in said removing ~~replacing~~ step.

34. (Currently Amended) A method for filling a plurality of syringe bodies, wherein for each syringe body of the plurality of syringe bodies the method comprises:

sterilizing the syringe body;

holding the sterilized syringe body in at least one holder;

removing a cap from a dispensing end of the sterilized syringe body during said holding step;

filling the sterilized syringe body at the dispensing end thereof after said removing step and during said holding step; and

replacing ~~one of the~~ caps removed ~~from during the removing step~~ for one of said plurality of syringe bodies on the dispensing end of the syringe body after said filling step and during said holding step.

35. (Previously Presented) A method as recited in Claim 34, wherein for each syringe body the method further comprises:

placing said cap on said dispensing end of the syringe body prior to said holding step.

36. (Previously Presented) A method as recited in Claim 35, wherein for each syringe body the sterilizing step is completed after said placing step and prior to said holding step.

37. (Previously Presented) A method as recited in Claim 35, wherein said placing and sterilizing steps are completed at a first location and said holding, removing, filling and replacing steps are completed at a second location remote from said first location.

38. (Previously Presented) A method as recited in Claim 37, wherein for each syringe body the method further comprises:

packaging said syringe body in a container at said first location after said placing step and prior to said holding step; and,

unpackaging said syringe body from said container at said second location prior to said holding step.

39. (Currently Amended) A method as recited in Claim 38, ~~A method as recited in Claim 38,~~ further comprising:

interconnecting a flexible belt to said plurality of syringe bodies in a predetermined orientation prior to said packaging step.

40. (Previously Presented) A method as recited in Claim 39, wherein the holding, removing, filling and replacing steps are successively repeated in an automated manner for each of said plurality of syringe bodies.

41. (Previously Presented) A method as recited in Claim 39, further comprising:
severing said flexible belt between each of said plurality of syringe bodies after said unpackaging step.

42. (Previously Presented) A method as recited in Claim 41, wherein for each syringe body said severing step is completed after said removing, filling and replacing steps.

43. (New) A method as recited in Claim 1, wherein for each syringe body the method further comprises:

holding the cap removed from the syringe body until replaced on one of the plurality of syringe bodies.

44. (New) A method as recited in Claim 34, wherein for each syringe body the cap removed in the removing step is the same as the cap replaced in said replacing step.

45. (New) A method for filling a plurality of syringe bodies, wherein for each syringe body of the plurality of syringe bodies the method comprises:

placing a cap on a dispensing end of the syringe body at a first location;

packaging said syringe body in a container at said first location after said placing step;

unpackaging said syringe body from said container at a second location;

holding the syringe body in at least one holder at said second location;

removing a said cap from a dispensing end of the syringe body during said holding step;

filling the syringe body after said removing step and during said holding step; and,

replacing a cap removed during the removing step for one of said plurality of syringe bodies on the dispensing end of the syringe body during said holding step.

46. (New) A method as recited in Claim 43, wherein for each syringe body the method further comprises:

sterilizing the syringe body at said first location.

47. (New) A method as recited in Claim 46, wherein for each syringe body said sterilizing step is completed after said placing step and prior to said packaging step.

48. (New) A method as recited in Claim 46, wherein for each syringe body said sterilizing step is completed after said placing and packaging steps.

49. (New) A method as recited in Claim 45, further comprising:

interconnecting a flexible belt to said plurality of syringe bodies in a predetermined orientation at said first location prior to said packaging step.

50. (New) A method as recited in Claim 45, wherein for each syringe body the cap removed in said removing step is the same as the cap replaced in said replacing step.

51. (New) A method as recited in Claim 45, wherein for each syringe body the filling step comprises:

interconnecting a fluid supply member with the dispensing end of the syringe body in a automated manner; and,

flowing fluid into the syringe body through the interconnected fluid supply member and dispensing end of the syringe body.

52. (New) A method as recited in Claim 51, wherein for each syringe body said flowing step comprises:

injecting said fluid into the syringe body under pressure.

53. (New) A method as recited in Claim 51, wherein for each syringe body said flowing step comprises:

drawing said fluid into the syringe body by retraction of a plunger comprising the syringe body.

54. (New) A method as recited in Claim 45, wherein for each syringe body the method further comprises:

holding the cap removed from the syringe body until replaced on one of the plurality of syringe bodies.

REMARKS

Initially, Applicant's undersigned Attorney expresses appreciation to the Examiner for the courtesy extended during a telephone interview on November 2, 2004, regarding the present application. Applicant has amended Claim 1 and 34 in a manner consistent with that specified during the telephone interview. As such, Applicant submits that it has overcome the rejection under 35 USC § 112.

Further, Applicant submits that independent Claims 1 and 34 are allowable for the reasons discussed during the telephone interview. In particular, method Claims 1 and 34 are each directed to the filling of a plurality of syringe bodies, wherein for each syringe body of the plurality of syringe bodies the methods include the following steps: holding the syringe body in at least one holder, removing a cap from a dispensing end of the syringe body during the holding step, filling the syringe body at the dispensing end thereof after the removing step and during the holding step, and replacing a cap removed during the removing step for one of the plurality of syringe bodies on the dispensing end of the syringe body after the filling step and during the holding step.

Ortiz et al. fails to disclose the noted combination of steps of Claims 1 and 34. In particular, and as discussed with the Examiner during the interview, Ortiz et al. discloses a filling machine 10 which removes tips 22 from sterile delivery devices 12 at a tip removing station 54 and positions caps 88 on the sterile delivery devices 12 at sealing station 84. (See, e.g. FIGS. 7A-7G).

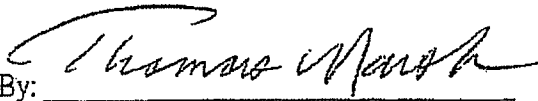
Based upon the foregoing, Applicant believes that independent Claims 1 and 34 are in condition for allowance, and that all claims dependent thereupon, respectively, are allowable. Applicant further submits that the respective dependent claims are additionally allowable since such claims present further combinative features not taught by Ortiz et al.

Applicant notes that new independent Claim 45 corresponds with subject matter presented in Claims 1, 2, 4, and 5. As such, independent Claim 45, and Claims 46-54 dependent thereupon are allowable for the same reasons as independent Claims 1 and 34 above and due to further combinative features not taught by Ortiz et al. In the latter regard, the Applicant notes that the Examiner previously indicated that dependent Claim 5 would allowable if rewritten in independent form.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

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Telephone: (303) 338-0997
Facsimile: (303) 338-1514

Date: 11/8/07



04-04-05

JFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BALDWIN et al.

Serial No.: 10/630,059

Filed: July 30, 2003

Confirmation No.: 7769

Atty. File No.: 50012-00027

For: "METHOD, FOR FILLING AND
CAPPING SYRINGES" (AS AMENDED)

) Group Art Unit: 3721

) Examiner: Rinaldi I. Rada

) REQUEST FOR AMENDMENT
) UNDER 37 C.F.R. § 1.312

) "EXPRESS MAIL" MAILING LABEL NO:
) EV 386651494 US

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please amend the above-identified patent application in the manner set forth herein prior to issuance of the above-identified patent application. These amendments merely serve to cancel dependent Claim 14, from which no other claims depend, to correct an obvious typographic error in Claim 44, and to correct Claim 46 so that it properly depends from Independent Claim 45.

Amendments to the Claims, in accordance with 37 C.F.R. § 1.121, begin at page 2 of this request.

Remarks begin at page 9 of this request.

ENTER
Apr 6-22-05
A. Smith

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Previously Presented) A method for filling a plurality of syringe bodies, wherein for each syringe body of the plurality of syringe bodies the method comprises:

holding the syringe body in at least one holder;

removing a cap from a dispensing end of the syringe body during said holding step;

filling the syringe body at the dispensing end thereof after said removing step and during said holding step; and,

replacing a cap removed during the removing step for one of said plurality of syringe bodies on the dispensing end of the syringe body after said filling step and during said holding step.

2. (Original) A method as recited in Claim 1, wherein for each syringe body the method further comprises:

placing said cap on said dispensing end of the syringe body prior to said holding step.

3. (Original) A method as recited in Claim 2, wherein for each syringe body the method further comprises:

sterilizing the syringe body after said placing step and prior to said holding step.

4. (Original) A method as recited in Claim 3, wherein said placing and sterilizing steps are completed at a first location and said holding, removing, filling and replacing steps are completed at a second location remote from said first location.

5. (Previously Presented) A method as recited in Claim 4, wherein for each syringe body the method further comprises:

packaging said syringe body in a container at said first location after said placing step and prior to said holding step; and,

unpackaging said syringe body from said container at said second location prior to said holding step.

6. (Original) A method as recited in Claim 5, wherein for each syringe body the method further comprises:

sterilizing the syringe body after said packaging step and prior to said unpackaging step.

7. (Previously Presented) A method as recited in Claim 5, further comprising:

interconnecting a flexible belt to said plurality of syringe bodies in a predetermined orientation prior to said packaging step.

8. (Original) A method as recited in Claim 7, wherein the holding, removing, filling and replacing steps are successively repeated in an automated manner for each of said plurality of syringe bodies.

9. (Previously Presented) A method as recited in Claim 1, wherein for each syringe body the removing step includes:

retainably engaging said cap in a retainer; and,

moving at least one of said retainer and said at least one holder in an automated manner to affect relative movement between the cap and the dispensing end of the syringe body; and,

wherein for each syringe body the replacing step comprises:

retainably engaging said one of said caps in a retainer; and

moving said holder along a predetermined path to insert said one of said caps into the syringe body.

10. (Previously Presented) A method as recited in Claim 9, wherein for each syringe body the cap removed in said removing step is the same as the cap replaced in said replacing step.

11. (Original) A method as recited in Claim 9, wherein for each syringe body the filling step comprises:

interconnecting a fluid supply member with the dispensing end of the syringe body in an automated manner; and,

flowing fluid into the syringe body through the interconnected fluid supply member and dispensing end of the syringe body.

12. (Previously Presented) A method as recited in Claim 11, wherein for each syringe body said removing, filling and replacing steps are completed at a first location of the syringe body.

13. (Previously Presented) A method as recited in Claim 12, wherein for each syringe body said retainer and said fluid supply member are interconnected for tandem movement during said removing, filling and replacing steps.

14. (Cancelled)

15. (Original) A method as recited in Claim 11, wherein for each syringe body the method further comprises:

sensing the position of a plunger end thereof to terminate said filling step.

16. (Original) A method as recited in Claim 11, wherein said flowing step comprises at least one of the following:

injecting said fluid into the syringe body under pressure; and,

drawing said fluid into said syringe body by retraction of a plunger comprising the syringe body.

17. (Original) A method as recited in Claim 1, wherein for each syringe body the removing filling and replacing steps are completed in an automated manner.

Claims 18-30 (Canceled)

31. (Previously Presented) A method as recited in Claim 7, further comprising:

severing said flexible belt between each of said plurality of syringe bodies after said unpacking step.

32. (Previously Presented) A method as recited in Claim 31, wherein for each syringe body said severing step is completed after said removing, filling and replacing steps.

33. (Previously Presented) A method as recited in Claim 1, wherein for each syringe body the cap removed in the removing step is the same as the cap replaced in said replacing step.

34. (Previously Presented) A method for filling a plurality syringe bodies, wherein for each syringe body of the plurality of syringe bodies the method comprises:

sterilizing the syringe body;

holding the sterilized syringe body in at least one holder;

removing a cap from a dispensing end of the sterilized syringe body during said holding step;

filling the sterilized syringe body at the dispensing end thereof after said removing step and during said holding step; and

replacing a cap removed during the removing step for one of said plurality of syringe bodies on the dispensing end of the syringe body after said filling step and during said holding step.

35. (Previously Presented) A method as recited in Claim 34, wherein for each syringe body the method further comprises:

placing said cap on said dispensing end of the syringe body prior to said holding step.

36. (Previously Presented) A method as recited in Claim 35, wherein for each syringe body the sterilizing step is completed after said placing step and prior to said holding step.

37. (Previously Presented) A method as recited in Claim 35, wherein said placing and sterilizing steps are completed at a first location and said holding, removing, filling and replacing steps are completed at a second location remote from said first location.

38. (Previously Presented) A method as recited in Claim 37, wherein for each syringe body the method further comprises:

packaging said syringe body in a container at said first location after said placing step and prior to said holding step; and,

unpackaging said syringe body from said container at said second location prior to said holding step.

39. (Previously Presented) A method as recited in Claim 38, further comprising:

interconnecting a flexible belt to said plurality of syringe bodies in a predetermined orientation prior to said packaging step.

40. (Previously Presented) A method as recited in Claim 39, wherein the holding, removing, filling and replacing steps are successively repeated in an automated manner for each of said plurality of syringe bodies.

41. (Previously Presented) A method as recited in Claim 39, further comprising:

severing said flexible belt between each of said plurality of syringe bodies after said unpackaging step.

42. (Previously Presented) A method as recited in Claim 41, wherein for each syringe body said severing step is completed after said removing, filling and replacing steps.

43. (Previously Presented) A method as recited in Claim 1, wherein for each syringe body the method further comprises:

holding the cap removed from the syringe body until replaced on one of the plurality of syringe bodies.

44. (Currently Amended) A method as recited in Claim 34, wherein for each syringe body the cap removed in the removing step is the same as the cap replaced in said replacing step.

45. (Previously Presented) A method for filling a plurality of syringe bodies, wherein for each syringe body of the plurality of syringe bodies the method comprises:

placing a cap on a dispensing end of the syringe body at a first location;
packaging said syringe body in a container at said first location after said placing step;
unpackaging said syringe body from said container at a second location;
holding the syringe body in at least one holder at said second location;
removing a said cap from a dispensing end of the syringe body during said holding step;
filling the syringe body after said removing step and during said holding step; and,
replacing a cap removed during the removing step for one of said plurality of syringe bodies on the dispensing end of the syringe body during said holding step.

46. (Currently Amended) A method as recited in Claim ~~43~~ 45, wherein for each syringe body the method further comprises:

sterilizing the syringe body at said first location.

47. (Previously Presented) A method as recited in Claim 46, wherein for each syringe body said sterilizing step is completed after said placing step and prior to said packaging step.

48. (Previously Presented) A method as recited in Claim 46, wherein for each syringe body said sterilizing step is completed after said placing and packaging steps.

49. (Previously Presented) A method as recited in Claim 45, further comprising:
interconnecting a flexible belt to said plurality of syringe bodies in a predetermined orientation at said first location prior to said packaging step.

50. (Previously Presented) A method as recited in Claim 45, wherein for each syringe body the cap removed in said removing step is the same as the cap replaced in said replacing step.

51. (Previously Presented) A method as recited in Claim 45, wherein for each syringe body the filling step comprises:

interconnecting a fluid supply member with the dispensing end of the syringe body in a automated manner; and,

flowing fluid into the syringe body through the interconnected fluid supply member and dispensing end of the syringe body.

52. (Previously Presented) A method as recited in Claim 51, wherein for each syringe body said flowing step comprises:

injecting said fluid into the syringe body under pressure.

53. (Previously Presented) A method as recited in Claim 51, wherein for each syringe body said flowing step comprises:

drawing said fluid into the syringe body by retraction of a plunger comprising the syringe body.

54. (Previously Presented) A method as recited in Claim 45, wherein for each syringe body the method further comprises:

holding the cap removed from the syringe body until replaced on one of the plurality of syringe bodies.

REMARKS

On March 7, 2005, the Examiner mailed a Notice of Allowance indicating that Claims 1-17 and 31-54 were allowed. In accordance with 37 C.F.R. § 1.312, Applicant hereby requests cancellation of Claim 14 from which no other claims depend. In accordance with the cancellation of Claim 14, attached hereto please find a Request for Correction of Inventorship pursuant to 37 C.F.R. § 1.48(b), whereby inventor Jon Paul Page is requested to be deleted as an inventor. Applicant also requests that Claim 44 be amended to correct an obvious typographical error where a space is inserted in "capremoved" so that it reads "cap removed", and that Claim 46 be corrected so that it properly depends from Independent Claim 45.

It is not believed that any fees are due with this Request For Amendment Under 37 C.F.R. § 1.312. However, please charge any required fees to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Thomas R. Marsh
Registration No. 31,039
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(303) 338-0997

Date: 4/1/05



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,059	07/30/2003	Brian Eugene Baldwin	50012-00027	7769

25231 7590 06/27/2005

MARSH, FISCHMANN & BREYFOGLE LLP
3151 SOUTH VAUGHN WAY
SUITE 411
AURORA, CO 80014

EXAMINER

NASH, BRIAN D

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication

Application No.

10/630,059

Applicant(s)

BALDWIN ET AL.

Examiner

Brian Nash

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 01 April 2005 under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.


SCOTT A. SMITH
PRIMARY EXAMINER



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BALDWIN et al.

Serial No.: 10/630,059

Filed: July 30, 2003

Confirmation No.: 7769 .

Atty. File No.: 50012-00027

For: "METHOD, FOR FILLING AND
CAPPING SYRINGES" (AS AMENDED)

) Group Art Unit: .3721

) Examiner: Rinaldi I. Rada

) REQUEST FOR CORRECTION OF
) INVENTORSHIP UNDER 37 C.F.R.
) \$1.48(b)

) "EXPRESS MAIL" MAILING LABEL NO:
) EV 386651494 US

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

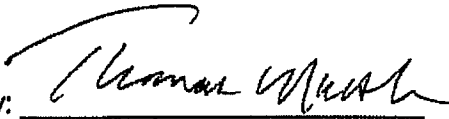
Pursuant to the attached Request for Amendment Under 37 C.F.R. § 1.312, Claim 14 of the above-referenced patent application was cancelled. Pursuant thereto and in accordance with 37 C.F.R. § 1.48(b), please delete Jon Paul Page as an inventor in the application. Applicant hereby acknowledges that Jon Paul Page's invention is no longer being claimed in the application.

Enclosed please find a check in the amount of \$130.00 for the processing fee set forth in 37 C.F.R. § 1.17(i), pursuant to 37 C.F.R. § 1.48(b). It is not believed that any additional fees are required with this Request for Correction of Inventorship Under 37

C.F.R. §1.48(b). However, any additional fees may be debited from and any overpayment may be credited to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Thomas R. Marsh
Registration No. 31,039
3151 South Vaughn Way, Suite 411
Aurora, Colorado 8001
(303) 338-0997

Date: 7/1/05

ENTER RUSH
(PTO ASSISTANCE)

HL Corr.

Application: 10/630 059 Examiner: Brian Nash GAU: 3121

From: TC Location: IDC (FME) FDC Date: 8/8/05

Tracking #: _____

Week Date: _____

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449	_____	<input type="checkbox"/> Continuing Data
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[RUSH] MESSAGE: Claim 46 renumbered as claim 22 depends on
Claim 45 renumbered claim 35.

Please resolve

Thank you! (P)

[XRUSH] RESPONSE: The claims have been renumbered & according
to a 312 amendment entered and mailed on 6-27-05.

See the attached index of claims with correct renumbering. No
other renumbering of the claims is approved.

Call Brian Nash @ 571-272-4465 w/ any questions INITIALS: BN

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.

REV 10/04

Index of Claims



Application/Control No.

10/630,059

Examiner

Brian Nash

Applicant(s)/Patent under
Reexamination

BALDWIN ET AL.

Art Unit

3721

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim			Date			
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1	1	=				
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Attorney: HJB/vlp

Date: February 3, 2006

PTO Stamp indicates receipt of:
Application Docket No.: 50012-00027

☒ Patent Matter ☐ Trademark Matter

Applicant: BALDWIN et al.

Title: "METHOD FOR FILLING AND CAPPING SYRINGES"

Serial No.: 6,976,349 B2

Filed/Issued Date: December 20, 2005

☒ Certificate of Mailing

☐ Express Mail No.:

☐ Check for \$_____

___ No. of Pages in Specification

___ No. of Pages in Claims

___ No. of Pages in Abstract

___ No. of Sheets of Drawings

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

1. REQUEST FOR CORRECTED PATENT FOR PTO MISTAKE (4 PAGES)
2. PTO FORM 1050 IN DUPLICATE (3 PAGES)
3. COPIES OF DOCUMENTATION TO SUPPORT PATENTEE'S ASSERTIONS

Attorney: HJB/vlp

Date: February 3, 2006

PTO Stamp indicates receipt of:

☒ Patent Matter

RECEIVED

Application Docket No.: 50012-00027

Applicant: BALDWIN et al.

Title: "METHOD FOR FILLING AND CAPING SYRINGES"

Serial No.: 6,976,349 B2

Filed/Issued Date: December 20, 2005

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FEB 13 2006

No. of Pages in Specification

MARSH FISCHMANN &

PROSECUTORS

No. of Sheets of Drawings

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